

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEAN A. BENTER,

Defendant.

No. 10-MJ-202

**ORDER DISMISSING CONTEMPT
AND CLOSING CASE**

On the 6th day of January 2012, this matter came on for hearing pursuant to the Order Setting Hearing to Show Cause (docket number 7) filed on December 5, 2011. The Government was represented by Assistant United States Attorney Martin J. McLaughlin. Defendant Dean A. Benter did not appear, nor anyone for him.

On September 24, 2010, Benter was found guilty of disorderly conduct and ordered to pay a \$75 fine. The fine was due not later than November 1, 2010. The Court's records did not reflect any payment on that obligation.

On December 2, 2011, the Government filed a motion asking that Benter be required to appear and show cause why he should not be held in contempt of Court. The Court set the matter for hearing and ordered Defendant to be served personally. Benter was served by a Fillmore County, Minnesota, deputy sheriff on December 29, 2011. At that time, Benter told the deputy that he paid the fine.

On the morning of January 6, 2012, the Clerk of Court received a document from Benter, indicating that the fine had been timely paid. Attached to the document was a copy of a "customer's receipt," suggesting that \$75 was paid to the Clerk of Court in October 2010. Using the number shown on the customer receipt, the Clerk of Court was able to establish that the money order was received timely, but credited to a different case. The money order was signed by Defendant Dean Benter, but did not include any other identifying numbers. It was mistakenly credited to an obligation of another defendant,

with the initials D.B. The Government concedes that Benter timely paid the fine imposed by the Court and, therefore, this contempt action should be dismissed.

ORDER

IT IS THEREFORE ORDERED that the application for contempt is **DISMISSED**.
This case is **CLOSED**.

DATED this 6th day of January, 2012.



JON STUART SCOLES
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA